

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CORNELIUS EDWARDS,

No. C 05-2323 WHA (PR)

Petitioner,

ORDER OF SERVICE

vs.

A. P. KANE, Warden,

Respondent.

This is a habeas case filed pro se by a state prisoner. The respondent's motion to dismiss on grounds the petition is mixed was granted and petitioner was allowed to elect whether to dismiss the case, proceed with only the exhausted issue, or ask for a stay. He has elected to drop the unexhausted issue and proceed.

Petitioner's claim that the procedures used by the governor to determine whether to allow parole did not meet due process standards is **DISMISSED**.

Respondent shall file an answer directed to the remaining issue within sixty days of the date of this order. Respondent shall file with the answer and serve on petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

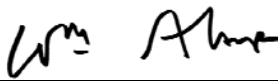
If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the court and serving it on respondent within thirty days of service of the answer.

Petitioner is reminded that all communications with the court must be served on respondent by mailing a copy of the document to respondent's counsel. Papers intended to be

1 filed in this case should be addressed to the clerk rather than to the undersigned. Petitioner also
2 must keep the court informed of any change of address by filing a separate paper with the clerk
3 headed "Notice of Change of Address," and comply with any orders of the court within the time
4 allowed, or ask for an extension of that time. Failure to do so may result in the dismissal of this
5 action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See Martinez*
6 *v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997) (Rule 41(b) applicable in habeas cases).

7 **IT IS SO ORDERED.**

8
9 Dated: September 24, 2007.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE